

Notice of Allowability

Application No.

10/754,537

Examiner

Geraldine V. Letscher

Applicant(s)

YOSHIOKA ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed February 28, 2006.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

This office action is responsive to the Amendment with Executed Declaration submitted under 37 CFR 1.132 received February 28, 2006. Claims 1-19 are pending and presently under consideration in this application.

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance:

While the prior art of record would make obvious the photothermographic material and corresponding method of forming an image thereof, said material comprising a support having there an image-forming layer containing a photosensitive silver halide, a non-photosensitive organic silver salt, a reducing agent and a binder, and a non-photosensitive layer containing a slipping agent, said art does not, in fact, disclose or teach the claimed photothermographic material and corresponding method of forming an image thereof, said material characterized in that the "volatile rate of the slipping agent at 120⁰C for one hour is 0.5% by mass as measured by a thermo-balance", as recited in claim 1, or the claimed photothermographic material and corresponding method of forming an image thereof, said material characterized in that the "permeating rate of the slipping agent to the transportation rollers is 6% by mass or less when the transportation rollers are immersed in the slipping agent 120⁰C for 2 hours", as recited in claim 4. Applicants have clearly demonstrated in the examples summarized and discussed in the executed declaration submitted under 37 CFR 1.132, that significant photographic advantages with respect to the number of sheets until failed transportation are realized with the inventive photothermographic material as


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characterized by the instant independent claim 1; the inventive samples characterized in that the "volatile rate of the slipping agent at 120⁰C for one hour is 0.5% by mass as measured by a thermo-balance", have a substantially higher number of sheets, particularly as summarized in Table I therein. Applicants have clearly demonstrated in the examples summarized and discussed in the executed declaration submitted under 37 CFR 1.132, that significant photographic advantages with respect to the number of sheets in plane-like failure are realized with the inventive photothermographic material as characterized by the instant independent claim 4; the inventive samples characterized in that "permeating rate of the slipping agent to the transportation rollers is 6% by mass or less when the transportation rollers are immersed in the slipping agent 120⁰C for 2 hours", have a substantially lower number of sheets in plane-like failure, particularly as summarized in Table III therein.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Claims 1-19 are allowed.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geraldine V. Letscher whose telephone number is (571) 272-1334. The examiner can normally be reached 8:00am to 4:30pm.


GERALDINE LETSCHER
PRIMARY EXAMINER
GROUP 1100

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (571) 272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).